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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,247	04/26/2006	Ken Matsubara	AI 410NP	4802
23995 7590 08/06/2008 RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005				
EXAMINER WILLIAMS, MAURICE L				
ART UNIT		PAPER NUMBER		
3611				
MAIL DATE		DELIVERY MODE		
08/06/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/577,247

Applicant(s)

MATSUBARA, KEN

Examiner

MAURICE WILLIAMS

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21 is/are pending in the application.
4a) Of the above claim(s) 19 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-18 and 21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9, 13-18, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimizu et al (US 6,838,844). Shimizu discloses an electric power steering device comprising:

- a steering assist electric motor (19) with a rotation shaft (48),
- a speed reduction mechanism (18),
- a motor housing (58),
- a stator (54) fixed to the motor housing,
- a rotor (52) co-rotatable with the rotation shaft, having a body and magnet (col. 7, ln. 63),
- a rotation angle detection means with a movable member (23a) and a stationary member (23b), which has an annular shape fixed to the housing (Fig. 4).

The motor housing includes a tubular body having first and second ends and an

opening provided at the first end and an end cover (shown attached to housing in Fig. 4, bottom of page) attached to the first end to close the opening at the first end, and the stationary portion of the rotation angle detecting means is fixed to the end cover (Fig. 4). An annular power supply member (**53**) is attached to the first end of the motor housing body, and the rotation angle detecting means is disposed radially inward of the power supply member (Fig. 4 shows that **23** is disposed radially inwardly of **53**, as the elements are concentric and **23** has a smaller radius).

The speed reduction mechanism includes a driving gear (**50**) and an input shaft (**12**) co-rotatably provided with the driving gear, and the input shaft of the speed reduction mechanism and the rotation shaft of the electric motor are provided unitarily as a unitary shaft (Fig. 3).

The movable portion of the rotation angle detecting means includes a reference portion with projections provided the outer periphery serving as a reference (col. 8, ln. 11-14) for defining magnetized portions of the rotor magnet and for magnetizing the magnetizable member as a production intermediate member for the rotor magnet.

The rotor body (**51**) includes an outer tubular portion (in contact with **52**) to which the rotor magnet is fixed, a shaft portion (the proximal end of **52**) provided coaxially with the outer tubular portion and retaining the movable portion of the rotation angle detecting means (Fig. 4 shows that **23** is disposed on the end of **51**), and a connection portion (shown in the transition between the tubular portion and the proximal end of **51**) which connects the outer tubular portion and the shaft portion.

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The rotor magnet has an outer tubular portion (52) with a first engagement portion on an outer peripheral surface thereof for engagement with the rotor magnet fitted around the outer tubular portion (Fig. 4).

The shaft portion has an engagement portion for engagement with the movable portion of the rotation angle detecting means (Fig. 4, shown on the distal end of 51).

The shaft portion has a coupling portion for coupling the rotation shaft of the electric motor to the shaft portion (Fig. 4, shaft portion is shown disposed inside the electric motor).

The unitary shaft includes a first end portion (12), a second end portion (15), and an intermediate portion between the first and second end portions (disposed inside housing 24), and the intermediate portion of the unitary shaft is supported by a combination angular deep groove ball bearings in back-to-back relation (41, 42).

The motor housing has a tubular body (58) having a first end (holding 23 as seen at the bottom of Fig. 4, affixed by a bolt) which is far from the speed reduction mechanism, relative to the second end.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu in view of Cheng (6,164,407). Shimizu discloses as discussed above, but does not directly disclose an end cover that is circumferentially adjustable to a motor housing body. These elements are disclosed in Cheng (provided above). It would also have been obvious to a person having ordinary skill in the art at the time of the invention to modify Shimizu as taught by Cheng in order to allow the position of the motor cover to be adjusted to the optimal position during assembly.

Response to Arguments

5. Applicant's arguments filed 4/23/2008 have been fully considered but they are not persuasive. Shimizu does disclose a rotor body with a connection portion and shaft portion as provided above, even if the disclosure describes it as one piece. Further, applicant's amended claim 5 goes on to state that the tubular, shaft and connection portions are formed integrally, indicating that the elements do not need to be separate from one another.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAURICE WILLIAMS whose telephone number is (571)272-4263. The examiner can normally be reached on Monday - Friday, 8 a.m. - 5 p.m. .

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Maurice Williams/
Examiner, Art Unit 3611

Maurice Williams
Examiner
Art Unit 3611

MLW
August 4, 2008

/Joanne Silbermann/

Primary Examiner, Art Unit 3611